

REMARKS

Applicant respectfully requests reconsideration of this application.

As a preliminary matter, in the Office Action mailed September 21, 2005, the Examiner did not attach an initialed copy of the last two pages of the PTO-1449 form references (Other Documents section of both pages) that were mailed to the PTO on January 31, 2001 and received by the PTO on February 5, 2001. The Examiner also did not indicate the references on said PTO-1449 form were not in conformance with MPEP 609. As such, applicant respectfully requests that the Examiner indicate that these references have been considered and made of record.

Additionally, in the Office Action mailed September 21, 2005, the Examiner did not indicate that the two references listed in the "Other Documents" listed on the PTO 1449 page mailed October 31, 2000 were considered and made of record by initialing the corresponding box on the PTO-1449 form. The Examiner also did not indicate that this reference was not in conformance with MPEP 609. As such, applicant respectfully request that the Examiner indicate that this reference has been considered and made of record.

Office Action Rejections Summary

Claims 1-7, 9-18, 20-24, 30-37, 42, 43 and 45 have been amended under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-7, 9-37 and 42-45 have been rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Publication No. 2001/0044840 of Carleton et al. ("Carleton").

Status of Claims

Claims 1-7, 9-14, 16-18, 20-24, 26-28, 30-33, 42-43 and 45 are pending in the application. Claims 1, 3, 4, 7, 16, 20, 26 and 30 have been amended. Claims 46-48 have been added. No new matter has been added. Claims 15, 19, 25, 29, 34-37 and 44 have been canceled, without prejudice.

Claim Rejections

Claims 1-7, 9-18, 20-24, 30-37, 42, 43 and 45 have been amended under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 15 and 25 have been canceled and, therefore, the rejection with respect to claims 15 and 25 is now moot. It is submitted that the amendments to claims 1, 7, 20, 30 and 34 overcomes the rejection.

Claims 1-6, 9-28, 30-37 and 42-45 have been rejected under 35 U.S.C. 102(e) as being anticipated by Carleton. It is submitted that claim 1 is patentable over Carleton.

Claim 1, as amended, recites:

A method, comprising:

accessing a port of a host system by a satellite system to monitor **an internal parameter** for a predetermined event related to the host system;
transferring data about the predetermined event from the satellite system to a monitoring operations center;
generating, by the monitoring operations center, a notification upon an occurrence of the predetermined event to a first person in a hierarchy; and
escalating, by the monitoring operations center, the notification to a second person in the hierarchy when the first person fails to acknowledge the notification in a time period.

(emphasis added)

The Office Action states:

Carleton teaches the invention as claimed including a method and apparatus for connecting to a host system and generating notifications (see abstract).

As per claim 1, Carleton teaches a method, comprising:

accessing a port of a host system by a satellite system to monitor a parameter for a predetermined event related to the host system (**a system is monitored by logging on to ports of certain system elements; paragraph 0054, 0062-0070**);

generating, by a monitoring operations center, a notification upon the occurrence of the predetermined event to a first person in a hierarchy (the business rules define normal functions and notification rules, if a function is not being performed as expected, a notification is sent; paragraph 0053); and

escalating, by the monitoring operations center, the notification to a second person in the hierarchy when the first person fails to acknowledge the notification in a time period (notifications are escalated, as defined by the business rules; paragraph 0009, 0053, 0054, 0079).

(9/21/05 Office Action, page 3)(emphasis added)

Applicants respectfully disagree with the Office Action's characterization of Carleton. It is submitted that client server 22 of Carleton does not log into computers 26a-26c but, rather, merely pings, or "polls", the computers. (See Carleton, paragraphs 0054 and 0072). As such, the client server 22 of Carleton does not monitor an internal parameter of computers 26a-26c.

In contrast to Carleton, claim 1 includes the limitation of "accessing a port of a host system by a satellite system to monitor **an internal** parameter for a predetermined event related to the host system." Nothing in Carleton discloses the above noted claim limitation and, therefore, claim 1 is patentable over Carleton.

It is submitted that claims 2-6, 9-14, 16-18, 42 and 46 are patentable over Carleton because claims 2-6, 9-14, 16-18, 42 and 46 depend from and, therefore, include the limitation of claim 1 noted above.

For reasons similar to those given above in regards to claim 1, it is submitted that claims 26-28 are patentable over the cited reference.

It is submitted that claim 7 is patentable over Carleton. Claim 7, as amended, recites:

A method, comprising:
 monitoring a host system for a parameter corresponding to a predetermined event using a satellite system located locally to the host system;
 queuing data about the predetermined event collected by the satellite system;
 transferring the queued data from the host system to a monitoring operations center;
 generating, by the monitoring operations center located remotely from the host system, a notification upon an occurrence of the predetermined event to a first person in a hierarchy; and
 escalating, by the monitoring operations center, the notification to a second person in the hierarchy when the first person fails to acknowledge the notification in a time period.

(emphasis added)

It is submitted that Carleton does not disclose the queue of data collected by its client server 22. (Carleton, Abstract; paragraphs 0049-0051). In contrast to Carleton, claim 7 includes the limitation of “queuing data about the predetermined event collected by the satellite system.” Therefore, it is submitted that claim 7, and its dependent claim 46 are patentable over Carleton.

It is submitted that claim 20 is patentable over Carleton. Claim 20, as amended, recites:

A machine readable medium having stored thereon instructions, which when executed by a processor, cause the processor to perform the following:
 receiving, by a monitoring operations center data about an occurrence of a predetermined event related to a host system, the occurrence of the predetermined event determined by access of a port of the host system by a satellite system;
 generating, by the monitoring operations center, a notification upon the occurrence of the predetermined event to a first person in a hierarchy; ~~and~~

escalating, by the monitoring operations center, the notification to a second person in the hierarchy when the first person fails to acknowledge the notification in a time period; and

providing at least one of a suggestion of a probable cause of the predetermined event and a solution to the occurrence of the predetermined event.

(emphasis added)

It is submitted that Carleton does not disclose providing at least one of a suggestion of a probable cause of the predetermined event and a solution to the occurrence of the predetermined event, as recited in claim 20. Therefore, it is submitted that claim 20, and its dependent claims 21-24 are patentable over Carleton.

It is submitted that claim 30 is patentable over Carleton. Claim 30, as amended, recites:

An apparatus, comprising:

a configuration portal to interface with a satellite system over a communication link and configure **a service interleave factor** of a host system;
a digital processing system coupled to the portal, the digital processing system to receive data indicative of an occurrence of the event and generate a first notification; and

a notification gateway coupled to the digital processing system to transmit the first notification to a first communication device, the digital processing system to generate a second notification to a second communication device if an acknowledgment is not received within a predetermined time

(emphasis added)

It is submitted that Carleton does not disclose configuring a service interleave factor, as recited in claim 30. Therefore, it is submitted that claim 30, and its dependent claims 31-33 and 48 are patentable over Carleton.

In conclusion, applicants respectfully submit that in view of the arguments set forth herein, the applicable rejections have been overcome.


If the Examiner believes a telephone interview would expedite the prosecution of this application, the Examiner is invited to contact Daniel Ovanezian at (408) 720-8300.

If there are any additional charges, please charge our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 1/19, 2006

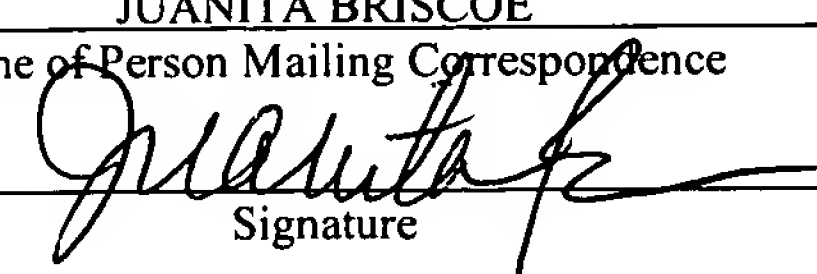

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